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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,796	02/29/2000	Guido M. Schuster	99,599	1037

20306 7590 09/15/2003

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/515,796	SCHUSTER ET AL.	
	Examiner	Art Unit	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-18,49-65,71 and 72 is/are withdrawn from consideration.
- 5) Claim(s) 19-48 is/are allowed.
- 6) Claim(s) 66-70 and 73-75 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>18,19 & 2</u> .	6) <input type="checkbox"/> Other: _____ .

Art Unit: 2157

Response

1. The response filed on 6/30/2003 has been entered and made of record.
2. Applicant's arguments filled on 6/30/2003 with respect claims 66-70 and 73-75 have been fully considered but they are moot in view of new grounds of rejection.

Allowable Subject Matter

3. Claims 19-48 are allowed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 66-70 and 73-75 are rejected under 35 U.S.C. 102(b) as being anticipated by McHenery et al U.S. Patent No. 5,592,533.

As per claims 66, 69, and 73, McHenery et al., discloses a proximity based registration for portable devices, to a data network appliance (base station)comprising:

- wirelessly transmitting ping message from the data network appliance (the base station transmitting periodic scanning signals) (see col. 18, lines 41-55);
- determine whether an announcement message has been detected from the portable device (see col. 9, lines 1-22 and col. 18, lines 40-55, col. 5, lines 44-65;

Art Unit: 2157

- transmitting a registration request across a network to a registration server upon determining that the announcement message has been detected from the portable information device (see col. 5, lines 44-65).

In considering claim 67 McHenery et al., discloses a system further comprising the step of repeating the ping message (periodically transmitting a scanning signal) (see col. 18, lines 41-55).

In considering claim 68 and 70, McHenery et al., discloses a system further including transmitting a registration request across a network to a registration server upon determining that the announcement message has been detected from the portable information device (see col. 5, lines 44-65).

In considering claim 74, McHenery et al., discloses a system, wherein the step of reading user attributes further includes accessing a database to obtain at least one registration corresponding to the user attributes (see col. 5, line 44 to col. 6, lin 12).

In considering claim 75, McHenery et al., discloses a system, wherein the passive portable device is a security badge (smart device) (see the abstract).

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

Art Unit: 2157

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 746-7238, (after final communications)

(703) 746-7239, (Official communications)

(703) 746-7240, (Non-Official/Draft).

As

9/8/2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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